

REMARKS

The Applicants submit this Amendment and Response to the January 14, 2003 Office Action of the Examiner. By virtue of this amendment, claims 1-21 are pending in this application. Claims 1, 2, 11, 15, 17, 18, 20, and 21 have been amended.

In the January 14, 2003 Office Action, the Examiner rejected claims 1-10 and 16-21 under 35 U.S.C. § 103(a) as being obvious over United States Patent No. 5,912,864 ("Maurer") in view of United States Patent No. 5,810,685 ("Willner et al."). The Examiner rejected claims 11-15 under 35 U.S.C. § 103(a) as being obvious over Maurer in view of Willner et al. in further view of United States Patent No. 5,468,000 ("Bennett"). The Applicants respectfully traverse the rejection of claims 1-21 under 35 U.S.C. § 103(a).

In particular, amended claim 1 recites a combination of elements, including, for example, "at least one timer integrated with the ball for measuring at least one predetermined time period; . . . the at least one sound generator for producing at least one sound based on the at least one predetermined time period," which is neither disclosed nor suggested by the cited references. At most, Maurer discloses measuring a random time period relating to the random flight of an object and not a predetermined time period unrelated to flight time. Willner et al. does not disclose or suggest any time period and does not cure the defect of Maurer. Thus, amended claim 1 is patentably distinct from Maurer, and Willner et al. either alone or in any reasonable combination.

Further, as stated above, amended claim 1 recites a combination of elements including, for example, "the at least one sound generator for producing at least one sound based on the at least one predetermined time period," which is neither disclosed or suggested by the cited references. In particular, Willner et al. at most discloses a sound generator that produces a sound based on an accelerator and not based on the time period at all. Even if the sound generator of Willner et al. was incorporated into the ball of Maurer, there is no disclosure capable of coordinating the sound generator or Willner et al. with the time of flight measurement of Maurer much less produce a sound generator that is based

on a predetermined time period counted by a timer. Thus, for this additional reason, amended claim 1 is patentably distinct from Maurer and Willner et al. either alone or in any reasonable combination thereof.

Claims 2-17 depend directly or indirectly from amended claim 1 and, by virtue of this dependency, are patentably distinct from Maurer and Willner et al. either alone or in any reasonable combination thereof.

Independent claims 18 and 21 recite elements similar to amended claim 1 and, by virtue of this similarity, are patentably distinct from Maurer and Willner et al. either alone or in any reasonable combination thereof. Claims 19 and 20 depend directly from claim 18 and, by virtue of this dependency, are patentably distinct from Maurer and Willner et al. either alone or in any reasonable combination thereof.

The Examiner rejected claims 11-15 under 35 U.S.C. § 103(a) as being obvious over Maurer in view of Willner et al. in further view of Bennett. While claims 11-15 are allowable as explained above, the Applicants respectfully submit that the Bennett reference, regardless of what it discloses, is nonanalogous art. In particular, the claims of the present invention are in the field of a ball with a timer. Claims 11-15 address particular problem of using remote sensors with the ball having a timer. Bennett on the other hand is in the field of bows and arrows and the sensors, whatever they may be, are associated with providing a locating signal to locate a position of the arrow. Thus, it is respectfully submitted that it would be improper to combine Bennett with Maurer and Willner et al. regardless of the specifics of the Bennett reference. Thus, it is respectfully submitted that for at least this additional reason claims 11-15 are patentably distinct from the cited references.

Based on the foregoing, the Applicants respectfully request withdrawal of the outstanding rejection and allowance of the pending claims.

The Applicants believe they have submitted the proper fee for entry and consideration of this amendment, however any fee deficiency can be charged to Deposit Account 08-2623. Should any extensions of time not otherwise

accounted for be required, consider this a petition therefore and charge Deposit
Account 08-2623 the required fee.

Respectfully submitted,

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